

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report Prepared by: Kim Duncan

Public Hearing: Yes X No:

Notices Mailed On: 9/1/06

Published On: 8/31/06

Posted On: 9/1/06

TITLE: "S"ZONE APPROVAL NO. SZ 2005-17

Proposal: A request to construct a 4,196 square foot, one-story, single-family Hillside residence with site modifications that include removal of protected trees, grading, and landscaping.

Location: 802 Calaveras Ridge Drive-Lot 12 (APN: 029-06-029)

RECOMMENDATION: Approve with conditions to City Council

Owner/Applicant: Sam and Hemla Rao, 4563 Macbeth Avenue, Fremont, CA 94555.

Previous Action(s): Tentative Map, Planned Unit Development (PUD 23.5), EIA 239.

Environmental Info: Categorically exempt pursuant to Section 15303 (a) of the California Environmental Quality Act.

General Plan Designation: Hillside – Very Low Density

Present Zoning: Single Family Residential-Hillside (R1-H)

Existing Land Use: Vacant

Agenda Sent To: Applicant/property owner, David Pruitt

Attachments: Plans, project statement, tree inspection report, excerpts from Geotechnical Report (December 18, 1982), Soil and Foundation Investigation (November 3, 2005), Uni-Eco Stone product information.

PJ #: 2439

BACKGROUND

On August 21, 1979, the City Council approved an Environmental Impact Assessment (No. 239) for a hillside subdivision, located on 35 acres east of Evans Road and south of Country Club Drive (Tract 7328). On September 1, 1981, the City Council approved a Tentative Map and Planned Unit Development (No. 23.5) for the 17-lot Calaveras Ridge Estates subdivision. Subsequently, on January 5, 1988, the City Council approved an amended Tentative Map for the removal of the previously approved building footprints.



802 Calaveras Ridge Drive

Site Description

The project site is a 1.33-acre vacant parcel (Lot 12) located at the eastern most portion of the Calaveras Country Estates subdivision (PUD 23.5) within the Hillside zoning district (R1-H). The rectangular shaped flag-lot is located at the end of Calaveras Ridge Drive cul-de-sac (private road), west of the Crestline, and is bound 180 feet to the east by the Tularcitos Creek. Surrounding development consists of one-story, single-family hillside residences located to the south and west, with two (2) undeveloped lots adjacent to the project site (directly to the west), and common open space to the north. Existing vegetation consists of native grasses and trees, such as almond, oak, acacia, and eucalyptus. The site falls within the Alquist-Priolo Special Study Zone for seismic hazards.



802 Calaveras Ridge Drive

THE APPLICATION

Pursuant to Section 45 (Hillside Combining District) of the Milpitas Zoning Ordinance, the applicant is requesting approval to construct a new single story residence with an attached garage, remove ordinance sized protected trees, and grading in quantities greater than 500 cubic yards, located in the Hillside zoning district.

Project Description

The applicant is requesting approval to construct a new 4,196 square foot, one-story, single-family residence on an undeveloped flag-lot within the Calaveras Country Estates Planned Unit Development (PUD 23.5). The new single-family residence is proposed to be 17-feet in height and consist of a 3,411 square foot living area with an attached 785 square foot 3-car garage. The proposed residence includes living areas, library, 3-car garage, rear outdoor courtyard, and front deck. Exterior lighting includes the use of building-mounted low-glare lighting fixtures and solar-powered landscape stake lamps.

Primary vehicular access to the site would be provided by a “Y” shaped driveway located at the end of the Calaveras Country Estates Road cul-de-sac that serves the garage and additional parking area. Proposed driveway materials consist of asphalt concrete and Uni-Ecostone, which is a pervious surface material. Site modifications include the removal of 3 existing trees (2 ordinance-size protected), new landscaping, and grading in excess of 500 cubic yards. No fencing or accessory structures/buildings are proposed with this application.

Site Layout & Building Architecture

Site Layout

The new single-family residence footprint will be U-shaped and located on the western portion of the parcel, approximately 550 feet away from the perceived Crestline. The building footprint will be set back from the property lines approximately 40-feet from the front, rear, and west-side, with a 180-foot setback on the east side.

Architecture

The proposed single-family residence architecture is characterized as California Contemporary style and is compatible with the surrounding residential architectural styles. Building elements consists of stucco exterior, foam trim and cornice details, bay and recessed windows, elevated entry foyer, and wrought iron front deck fencing. The exterior finish schedule consists of an earth tone color palate, using Sonoran Sands for the stucco exterior, Bridle Path for the trim, and Chaparral as an accent color, as well as dark brown tri-laminate roofing material. The proposed structure maintains a low roof pitch and stepped approach to the natural terrain of the slope.

Landscaping/Tree Removal

Landscaping

According to the Landscape Plan, the applicant is proposing bulbs (Tulips, Common Calla) ground covers (Common Thrift, Verbena Hybrid, Snow in Summer), shrubs (Heavenly Bamboo), vines (Jasmine, Bouganvillea) and trees (California White Oak, Crape Myrtle) for landscaping of the project site. Staff reviewed all the proposed plantings and determined the plants are in conformance with the Hillside Landscaping Policy (Resolution 6066). The intent of the Hillside Ordinance, in regards to landscaping, is that coverage be selected and designed to be compatible with surrounding natural vegetation. The proposed plant species were selected from Resolution 6066 to minimize the amount of water required for maintenance and the use of species identified

as compatible with natural vegetation found on the project site. Therefore, staff is confident the proposed landscaping will be compatible with natural vegetation found on the project site.

As mentioned in the site description, there are groupings of Oak and Eucalyptus trees on site that are proposed to remain on site. Typical construction activities include the storage of construction equipment and supplies underneath tree canopies, causing compaction of soil and roots, thereby potentially damaging trees. Therefore, **staff recommends** the applicant submit to the Planning Division for approval a tree protection plan prepared by a certified Arborist, addressing protective measures for the existing trees to be retained during construction activities.

Tree Removal

According to the plans, existing vegetation on the undeveloped parcel includes a grouping of Oak trees along the north property line, as well as groupings of Eucalyptus trees along the south property line. In addition, there are 2 Almond trees (5 inch and 12 inch) near the proposed driveway turn-around and building footprint, as well as 1 Acacia tree (14 inch) at the proposed driveway entrance, that the applicant is requesting approval to remove. According to the Hillside Ordinance, trees with a diameter equal or greater than 6 inches are defined as protected and require a replacement ratio of 5:1, therefore 2 of the 3 trees proposed for removal are considered protected and would require 10 new replacement trees with Planning Commission approval. The City Arborist completed a tree inspection survey of the trees proposed for removal and determined the 2 Almond trees were not suitable for preservation. The Acacia tree was determined to be in good health and structure, however it is located between the 15-foot wide entry drive at the property line. According to the Landscape Plan, 11 new trees (7 California White Oak and 4 Crape Myrtle) are proposed that are in conformance with the Hillside Landscaping Policy (Resolution 6066), therefore staff is confident the removal of the 2 protected trees would not negatively impact the site.

Grading

According to the plans, approximately 579 cubic yards are proposed to be cut, however 572 cubic yards are proposed as fill on the project site, and the remaining 7 cubic yards may be used in landscaping. Whenever there is grading in excess of 500 cubic yards (and under 1,500 cubic yards), the Planning Commission must review the proposed Grading Plan for conformance with the Hillside Grading Requirements (Section 45.18). The purpose and intent of this requirement is to regulate the alteration of land in hill areas to substantially maintain essential natural characteristics, such as land form, vegetation, and scenic qualities. As shown on Table 1 below, the proposed project conforms with the Hillside Grading Requirements.

Table 1: Proposed Grading Quantities

Grading Requirement	Proposed	Complies?
Stepped building foundations are required to minimize grading on building pads.	Building foundation is stepped to minimize grading.	Yes
Landscape compatibility with natural vegetation.	All proposed landscaping is in compliance with Resolution 6066-Hillside Landscaping Water Conservation Policy.	Yes
Cut-fill slopes in concert with existing natural contours and scale.	Cut-fill slopes aligned with natural contours.	Yes
Grading of any areas of a site with natural slope greater than 40% is prohibited.	Existing pad area slope: 25%. Over all parcel slope: 17%.	Yes

Impervious Coverage

According to the Hillside Ordinance (Section 45.3), the maximum impervious surface coverage allowed on parcels less than 3 acres is 10% of the of the total lot area or 8,000 square feet, whichever is greater. As shown in Table 2 below, the total proposed impervious surface coverage is 5,746 square feet and includes the building footprint, courtyard, deck, and asphalt-concrete driveway. However, it should be noted that a portion of the total driveway material is proposed to be asphalt-concrete, with the remaining 4,761 square feet of driveway proposed to be Uni-Eco Stone permeable pavers.

Table 2: Proposed Impervious Surfaces

Impervious Surfaces	
Lot Area	57,935 sq. ft. (1.33 acres)
<i>Building footprint (including garage)</i>	<i>4,196 sq. ft.</i>
<i>Courtyard</i>	<i>120</i>
<i>Deck</i>	<i>470 sq. ft.</i>
<i>Driveway-asphalt concrete</i>	<i>545 sq. ft.</i>
Total Impervious Surfaces	5,746sq. ft.
Percentage of lot impervious coverage	9%

Section 45.17-2 of the Hillside Ordinance defines impervious surfaces as "...surfaces that will not allow or greatly reduce the penetration of water into the ground..." such as concrete, asphalt, bricks, swimming pools, "turf stones", and plastic sheeting. The adopted Stormwater C.3 Guidebook includes pervious concrete and unit pavers as acceptable permeable pavement materials. According to the manufacture's specification sheet (included in your packet) the proposed Uni-Eco Stones are permeable, interlocking pavers that, when structurally installed on

an aggregate base, provide drainage openings to allow runoff water to filter and drain into subsurface soils.

Geologic

According to the General Plan Seismic and Geotechnical Map (Figure 5-2) and USGS Special Studies Zone Map, the project site is located within the Alquist-Priolo Special Study Zone. In addition, according to the Geotechnical Hazards map (Figure 5-1), the project site is located in areas with known expansive and unstable soils. Therefore, Geologic and Soils Studies are required to identify any significant seismic fault and/or slope instability hazards on the site that would threaten the proposed residence and to provide mitigation measures.

When the Calaveras Ridge Estates Planned Unit Development (PUD 23.5) Tentative Map was reviewed, a Geologic and Seismic Hazards Evaluation Report (December 18, 1982) was conducted for the related Environmental Impact Assessment (EIA No. 239). At that time, the Tentative Map included building envelopes on each proposed parcel that were subsequently removed through an amendment to the Tentative Map. The Geologic Report identified areas of Calaveras Country Estates subdivision that have significant geologic hazards ("Geological Hazard Zones") such as traces of the Hayward fault, the Crosley Fault west of the site, and unstable slopes, and made the recommendation that residential structures not be within the Geological Hazards Zones. In addition, the report recommended the buildable area for Lot 12 be set back approximately 180 feet west of the east property line along Tularcitos Creek, out of the Geologic Hazard Zone, and that structures should be designed in accordance with the latest edition of the Uniform Building Code.

As part of this application, the applicant submitted a Soil and Foundation Investigation (American Soil Testing, November 3, 2005) to evaluate and provide recommendations to minimize potential hazards in the event of ground failures, such as ground shaking, land sliding, ground subsidence, ground lurching, shallow ground rupture, and liquefaction. The investigation recommended structure be constructed at the designated building envelope provided by the Geologic and Seismic Hazards Evaluation Report, dated October 20, 1982 (see above) and the design should consider the potential for severe ground shaking that could result from the maximum probable earthquake generated along the active San Andreas, Calaveras, Crosley, and Hayward Fault Zones.

According to the plans, the proposed residence is within the originally approved Tentative Map building envelope and the east property line is 180 feet west of the property line along Tularcitos Creek. Furthermore, the City's building permit process requires a site-specific soils report and compliance with seismic safety construction standards as part of the City's building permit review and construction inspection process, therefore the impacts anticipated regarding seismic ground shaking, expansive soils, or liquefaction would be considered minimal. However, **staff recommends** a condition that the plans incorporate the recommendations of the Geologic and Seismic Hazards Evaluation (December 18, 1982) and Soil and Foundation Investigation (November 3, 2005) reports.

Biology

An Environmental Impact Assessment (No. 239) was prepared and adopted by the City Council in 1979 as part of the Calaveras Ridge Estates Planned Unit Development. The EIA determined that development of the subdivision would result in no impact to biologic resources and, subsequently, the subdivision is mostly developed with single-family residences. However, staff conducted a site visit and observed burrowing animal holes throughout the undeveloped project site. According to a H.T. Harvey Wildlife Ecologist, burrowing owls are not limited to large, flat, agricultural areas and only a biologic assessment of the site could determine the potential for burrowing owl habitat. Therefore, *staff recommends* as a condition, that prior to any grading permit issuance, the applicant provide to City staff a biologic site assessment to determine the presence of burrowing owls on site.

Lighting

According to the Hillside Ordinance, outdoor lighting should use the minimum wattage lights that will safely illuminate the area and be shielded as not to be directly visible from off-site. Proposed exterior lighting on the project site includes wall mounted building lights and landscape lighting along the driveway and front yard. The proposed wall mounted building lights are Dark Sky Friendly certified (International Dark-Sky Association) outdoor fixtures with a 12.5-foot spill that minimizes glare and reduces light trespass. Landscape lighting consists of low-wattage solar stake-lights located along the south edge of driveway, as well as front yard. Due to the location of the proposed building, style of proposed light fixtures, and minimum quantity of proposed fixtures, staff is confident the proposed lighting will not be directly visible from off-site.

CONFORMANCE WITH LOCAL PLANS AND ORDINANCES

Conformance with the General Plan

The proposed project, as conditioned, does not conflict with the General Plan and is consistent with Guiding Principle 2.a-G-3, which encourages a variety of housing types and densities that met the needs of individuals and families. Furthermore, the proposed project is also consistent with following Implementing Policies:

- ❑ 2.a-l-18: retains the natural character of the hillside by utilizing designs, colors, and materials that blends with the environment and terrain.
- ❑ 5.a-1-2: minimizes the threat to life and property through identification of active fault traces and geologic hazard zones.

Conformance with the Zoning Ordinance

The project was reviewed for compliance with the Zoning Ordinance development standards and requirements for the Single Family Hillside (R1-H) and are described in Table 3 below:

Table 3: Development Standards-Single-Family Hillside

Required	Proposed	Complies?
Building Height 17 ft. west of Crestline	17 ft.	Yes
Setbacks Front: 40 ft. Side: 40 ft. Rear: 40 ft.	40 ft. 40 ft. & 180 ft. 40 ft.	Yes
Size of Main Residence 6,000 sq. ft. maximum	4,196 sq. ft.	Yes
Impervious Coverage 10 % of total lot area or 8,000 sq. ft. maximum	5,746 sq. ft.	Yes
Crestline Zone of Protection (CZP) No structure shall visually intrude into the CZP.	No structure in the CZP.	Yes

In addition, development standards for the Calaveras Ridge Estates Planned Unit Development (PUD 23.5) require 40-foot front, side, and rear setbacks, as well as a 3-car garage, with all other development standards in conformance with the Hillside Ordinance (Section 45). As proposed, the project is in conformance with PUD 23.5 development standards. As part of this application, the applicant provided written authorization from the Calaveras Ridge Estates Home Owner's Association, as well as adjoining neighbors.

Visual Impacts

The proposed project is not within a major visual gateway or scenic corridor, as shown on the Scenic Resources and Routes General Plan Map (Figure 4-6), however, as part of this application, the applicant submitted a View Point Analysis (Sheet A7) to demonstrate the visual impact from the Valley Floor. Cross sections from 3 designated viewpoints (VP 3: Escuela Parkway, VP 4: I-680 & Jacklin Road, & VP 5: Cardoza Park) demonstrate that the proposed structure will not visually intrude into the crestline zone of protection or impact the natural quality of the crestline and the slopes immediately below.

Site & Architectural Guidelines

Section 45.09-7 of the City's Hillside Ordinance sets forth guidelines for the Commission and Council to consider in their review of Hillside homes. These guidelines are summarized below along with comments regarding the proposed plan's conformance with them.

Site & Architectural Guidelines	Comments Regarding Subject Proposal
(a) Avoid Unreasonable Interference with Views and Privacy	<ul style="list-style-type: none"> ❑ Complies with the 17' maximum height limit. ❑ Would not unreasonably interfere with views from surrounding properties or views of the hillside based on the view obstruction and restriction analysis provided in the plans. ❑ As proposed, the residence is located approximately 120' from the adjacent hillside home to the south, approximately 400' from the residence to the southwest, and surrounded by vacant lots to the west and north. Based on the location and distance from adjacent properties, the project will not interfere with privacy.
(b) Preserve Natural Landscape	<ul style="list-style-type: none"> ❑ As proposed, the home is designed to blend with the natural contours. ❑ Only 2 protected trees are proposed to be removed and replaced onsite with 11 trees that will enhance the hillside setting appropriately.
(c) Minimize Perception of Excessive Bulk	<ul style="list-style-type: none"> ❑ As proposed, the one-story residence is stepped into the existing parcel slope, therefore will not give the appearance of excessive bulk.
(d) Impairment of Light & Air	<ul style="list-style-type: none"> ❑ The proposed one-story residence will not impair light and air on adjacent existing residential structures because it is located at least 120 feet away.
(e) Minimize Grading	<ul style="list-style-type: none"> ❑ The proposed amount of grading is 579 cubic yards of cut, 572 cubic yards of fill, with 7 cubic yards proposed for landscaping on site, therefore the amount of grading is minimal.

California Environmental Quality Act

The project is exempt from further environmental review pursuant to Class 3 (a), Section 15303 ("One single-family residence... in a residential zone"), of the California Environmental Quality Act (CEQA) guidelines.

Long Term Impacts

The proposed project is for the construction of a one-story, single-family residence in the Calaveras Ridge Estates Planned Unit Development (PUD 23.5), located in the Single-Family Hillside (R1-H) zoning district. As discussed, the project is in conformance with the Zoning Ordinance development standards for the Hillside district, as well as development standards for the Planned Unit Development. The proposed project, as conditioned, will not negatively impact the surrounding Hillside or residential development.

Neighborhood/Community Impact

Based on the analysis and conclusions of this report, the proposed project is not anticipated to have any adverse impacts on parking or be detrimental to the health and safety of the public. In addition, the project will not have adverse effects upon the adjacent or surrounding development, such as shadows, view obstruction, or loss of privacy.

RECOMMENDATION

Close the Public Hearing. Recommend approval of 'S' Zone Approval No. SA2005-16 to the City Council based on the findings and subject to the conditions listed below.

FINDINGS

CEQA

1. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) in that it meets the definition of Section 15303, Class 3 (a) exemption ("One single-family residence... in a residential zone.").

General Plan

2. The proposed project is consistent with the Milpitas General Plan in that it is consistent with:
 - Guiding Principles 2.a-G-3 and 2.a-I-10, which provide for a variety of housing types and densities that meet the needs of individuals and families, as well as foster community pride and growth through beautification of existing and future development;
 - Implementation Policy 2.a-I-2 which promotes in-fill development in the incorporated city limits. The project is an infill project primarily surrounded by existing developed sites;
 - It does not conflict with any existing policies and allows the development of new housing uses within this portion of the City.

Zoning Ordinance

3. The proposed project, as conditioned, is consistent with the Milpitas Zoning Ordinance in that the proposed development conforms to the land use and development standards of the Single-Family Hillside (R1-H) Combining District and that the removal of protected trees will be replaced at a ratio where no adverse visual impact would result.

'S' Zone

4. As conditioned, the layout of the site, design of the proposed building, and landscaping would be compatible and aesthetically harmonious with adjacent and surrounding development. The proposed residence is located in an existing Single-Family Hillside (R1-H) zoning district and Planned Unit Development (PUD 23.5). Materials include stucco, foam trims and cornice elements, elevated entry, wrought iron patio fencing, and Eco Stone driveway. In addition, the proposed landscaping will enhance the Hillside zoning district.

Planned Unit Development

5. The proposed new residence is located in an existing Planned Unit Development (PUD 23.5) and is in conformance with the PUD development standards in terms of setbacks, height, and garage size.

SPECIAL CONDITIONS

1. This approval is for the development of a 4,196 square foot single-family residence, removal of 2 protected trees, and grading, as shown on the approved plans, dated September 13, 2006, and as modified by these conditions of approval. Any modification to the project, as

approved, will require an 'S' Zone Approval-Amendment, pursuant to Section 42.00 of the Milpitas Zoning Ordinance, and may require Planning Commission and City Council review. (P)

2. Prior to any tree removal, the applicant shall obtain a tree removal permit from the City Public Works Streets & Landscape Division (contact Carol Randisi, 408/586-2601). (P)
3. Prior to tree removal or issuance of grading permit, the applicant shall submit to the Planning Division a tree protection plan prepared by a certified Arborist, addressing protective measures for the existing groupings of trees to be retained on site. (P)
4. Prior to grading permit issuance, the applicant shall provide to City staff a biologic site assessment by a Biologist or Ecologist to determine the presence of burrowing owls on site. If the biologic assessment determines burrowing owls exist on-site, the site assessment recommendations shall be adhered to prior to onset of any grading activities. (P)
5. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
6. If, at the time of submittal for any building permits, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
7. If, at the time of building permit issuance, there is a project job account balance due to the City for recovery of review fees, permit issuance will not be initiated until the balance is paid in full. (P)
8. The building height shall not exceed 17-feet for the residence as measured from the lowest finished grade to the highest ridgeline of the building, per the City of Milpitas Hillside Ordinance. (P)
9. The applicant shall comply with the findings and recommendations prepared by Earth Systems Consultants Geologic and Seismic Hazard Evaluation, dated December 18, 1982, as well as the Soil and Foundation Investigation by American Soil Testing, dated November 3, 2005. To ensure compliance, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all the recommendations have been incorporated into the submitted building or grading plans prior to issuance of any building or grading permits. (P)
10. Prior to issuance of building final or certificate of occupancy, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all recommendations noted in Condition No. 9 have been satisfied. (P)
11. The applicant shall submit an erosion control plan to the approval of the Planning Division. Erosion control measures shall be in place prior to the start of any work and maintained until the completion of construction. (P)
12. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P)
 - a. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 - b. Cover all trucks hauling soil, sand, and other loose material or require all truck to maintain at least 2 feet freeboard level within their truck beds.
 - c. Pave, apply water three times daily or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site. (P)

- d. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - e. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets.
 - f. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - g. Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts).
13. Prior to certificate of occupancy all landscaping shall be installed. (P)
14. The applicant shall record with the Santa Clara County Records office a hold harmless agreement with the deed for the property disclosing that the site is located within a landslide area, which may have higher than normal potential landslides. This agreement would hold harmless the City from future landslides resulting from development of a site within a landslide area. The City Attorney shall draft said agreement. (P)
15. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
16. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)
17. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, water, sewer, and storm drain connection fees, plan check and inspection deposit. (E)
18. Prior to building permit issuance developer shall satisfy the conclusions and recommendations of the *Soils Engineering and Geologic and Seismic Hazards Evaluation Reports* dated 1981-1982 and Soils and Foundation Investigation Report, dated 11/30/2005. (E)
19. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)
20. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
21. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the

RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)

22. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems. (E)
23. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - A. Storm water connection fee of **\$3594**, water connection fee of **\$1910**, sewer connection fee of **\$1908** and wastewater treatment plant fee of **\$880**.
 - B. Water Service Agreement(s) for water meter(s) and detector check(s).
 - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
24. If the existing services (water, sewer and storm) are not adequately sized to serve this development, plans showing new services must be submitted and approved prior to building permit issuance. (E)
25. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
26. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066). (E)
27. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)
28. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
29. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 6/30/2006) in the design plans. (E)
30. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
31. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D". (E)

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

September 13, 2006

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Ali-Santosa, Azevedo, Mandal, Tabladillo and Williams
Absent: Galang
Tardy: Ciardella (arrived at 7:09 p.m.)
Staff: Bejines, Carrington, Duncan, Hom, Ishijima, Maxwell, Pio Roda, Whitecar and Williams

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
August 23, 2006**

Chair Williams called for approval of the minutes of the Planning Commission meeting of August 23, 2006.

Staff had no changes to the minutes.

Motion to approve the August 23, 2006 minutes.

M/S: Mandal/Azevedo

AYES: 5

NOES: 0

**V.
ANNOUNCEMENTS**

Tom Williams, Planning and Neighborhood Services Director, announced that for Agenda Item No. 1 ("S" Zone Approval No. SZ2005-17) the commission has a memorandum that states that the name of the project is not Calaveras Country Estates but Calaveras Ridge Estates. For Item No. 2 (Use Permit No. UP2005-15 and "S" Zone Approval Amendment No. SA2005-51) the applicant is Metro PCS not T-Mobile and for Item No. 3 (Conditional Use Permit No. UP2006-15 and "S" Zone Approval Amendment No. SA2006-27) the Commission has a memorandum that states the current building size in the staff report references 43,027 square feet and the actual size is 87,283 square feet.

Assistant City Attorney Richard Pio Roda stated that last night the City Council held a special meeting regarding appointing the Planning Commission alternate. They did not move forward because of a recent General Attorney opinion regarding the Mayor's appointment power to the Planning Commission. The City Attorney's office is updating advice to the new General Attorney's opinion and will issue a new opinion to the City Council and will hope to have a new appointment meeting again in early October. The applicant's for the Planning Commission will also be notified.

Commissioner Azevedo asked what happens to the Commissioners that were appointed before this ruling. Assistant City Attorney Pio Roda stated that they are grandfathered in. The City Ordinance requires the City Council to appoint Planning Commission members. The usual practice is for the Mayor to make appointments and to be confirmed by the City Council. This Attorney General opinion confirms that the Planning Commissioners are not exempt from that requirement in the state code so the City Ordinance will have to be updated if the Council chooses too.

**VI.
CONFLICT
OF INTEREST**

City Attorney Richard Pio Roda asked if the Commission has any personal or financial conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

Motion to approve the agenda.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

**VIII.
CONSENT CALENDAR
None**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

Commissioner Azevedo requested that Item No. 2 (Use Permit No. UP2005-15 and "S" Zone approval amendment no. SA2005-15) be added to the consent calendar with all special conditions and include the memo from staff that states the following correction on page 4 of the staff report:

It is also consistent with Implementing Policy S.aI-3. The project is encouraging economic pursuits that will strengthen and promote development through stability and balance. The project will enable Metro PCS to improve wireless coverage and service capacity that mutually benefits residents and businesses within the City.

Motion to add Agenda Item No. 2 to the consent calendar with special conditions based on the findings noted in the staff report and correction to page 4 of the staff report.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

Chair Williams opened the public hearing on consent Item No. 2.

There were no speakers from the audience.

Motion to close the public hearing.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

Motion to approve the consent calendar.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

***2 USE PERMIT NO. UP2005-15 AND "S" ZONE APPROVAL AMENDMENT**

NO. SA2005-51: A request to locate a wireless telecommunication facility consisting of 6 panel antennas that will be mounted on existing roof top equipment and screened to match existing roof material and to install associated equipment cabinets that will be contained within the existing retail building located at 1350 S. Park Victoria Drive.
(Recommendation: Approve with Conditions)

**IX.
PUBLIC HEARING**

**1. "S" ZONE APPROVAL
NO. SZ2005-17**

Kim Duncan, Project Planner, presented "S" Zone Approval No. SZ2005-17, a request to construct an approximately 4,196 square foot, one-story, single-family hillside residence with site modifications that include removal of protected trees, grading greater than 500 cubic yards, and landscaping, located in Calaveras Ridge Estates, PUD 23.5, at 802 Calaveras Ridge Drive, zoned Single-Family Hillside. Ms. Duncan pointed out that all references to Calaveras Country Estates within the body of the staff report should read Calaveras Ridge Estates. Ms. Duncan recommended approval with conditions to City Council based on the findings in the staff report.

Commissioner Ciardella asked about the American soil testing investigation report that was done in 1982. Ms. Duncan explained that the geological report was done in 1982 and a current soils report that supported the geologic findings was done as well.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Close the public hearing

Motion to close the public hearing.

M/S: Azevedo/Mandal

AYES: 6

NOES: 0

Chair Williams said he is glad that staff provided aerial photos since he was unavailable to see the site. Mr. Williams said that staff transposed the access code numbers so hopefully the other Planning Commission members were able to view the site.

Chair Williams said he publicly apologizes to the resident who he may have disturbed.

Commissioner Mandal asked for clarification on the protective tree. Ms. Duncan said that there are two protective trees on site and if the Commission agrees with the project, the applicant will have to submit an application for a tree removal permit. The replacement ratio for the removal of protected trees is 5 to 1 so the applicant is proposing 11 trees, which is one over the required ten.

Motion to approve “S” Zone Approval No. SZ2005-17 with special conditions based on the findings noted in the staff report and that all references in the staff report should state Calaveras Ridge Estates not Calaveras Country Estates.

Mandal/Azevedo

Ayes: 6

Noes: 0

**2. USE PERMIT NO.
UP2005-15 AND “S”
ZONE APPROVAL
AMENDMENT NO.
SA2005-51:**

Momo Ishijima, Project Planner, presented Conditional Use Permit No. UP2006-15 and “S” Zone Approval Amendment No. SA2006-27, a request for the renovation and site improvements of an existing industrial building. The proposal includes the removal and reconstruction of the interior warehouse space to office use, exterior façade, trash enclosure, parking lot and landscaping. A Conditional Use Permit approval is required for the increase in the allowed floor Area Ratio (FAR). The project site is located at 1511 Buckeye Court, zoned Industrial Park. Mrs. Ishijima recommended approval with condition. Mrs. Ishijima noted the following corrections in the staff report:

- *Page 2 – Background section: Delete the sentence “The building was never built out to its approved size and the current building size is 43,027 square feet.” All references to “43,027” square feet should be modified to “87,283” square feet.”*
- *Page 5 – Floor Area Ratio Section: Modify the second sentence to read, “The current FAR for the project site is .54, already exceeding the allowable FAR in the MP – Industrial Park zoning district by .04. Delete the fourth sentence “The allowable FAR in the MP – Industrial Park District is .50.”*
- *Page 5 of the Staff Report – Floor Area Ratio Analysis a) section: Modify Analysis a) to read: “According to the Trip Generation Analysis prepared by the City staff, the AM and PM peak hour traffic increase for the additional floor space during the AM hours is 3 trips and for PM hours is 2 trips. (See attached Table 1) The existing uses generate 2.14 and 1.96 trips per 1,000 square feet during the AM and PM peak hours, respectively. The proposed uses would generate 2.01 and 1.90 trips per 1,000 square feet during the AM and PM peak hours, respectively. Therefore, the finding of “low peak hour traffic generation” can be made. The level of service (LOS) of neighboring intersections in this area is LOS B. Staff concludes that the increase does not represent a significant or noticeable increase in traffic volume on local streets and will therefore be considered to generate low peak hour traffic.”*

Commissioner Mandal asked if the fab and electrical pad is going away because production is being moved someplace else. Mrs. Ishijima said Zycorp previously owned the building and Linear recently purchased the building and are renovating the building for the use. She doesn’t think the fab or the equipment mezzanines were used for their productions however she asked the applicant’s to clarify.

Robert Cortes, Architect for Linear, 1511-M Sycamore Avenue, Hercules, CA 94547, said the fab was never there in terms of employment. Zycorp built the building several years ago, never outfitted the fab and it was never used. When Linear purchased the building, they did not purchase it as a fab and their intent was to use this as an office building. Their fab is located in Hercules and they have expansion potential in that building.

Chair Williams asked if the color sample is representative of the current building and Mrs. Ishijima said yes.

Chair Williams asked about warehousing operations and if there will be a lot of truck activity. Mrs. Ishijima deferred the question to the applicant.

David Smith, Applicant, 1576 Foothill Drive, Pleasanton, CA, 94588, said that Linear shipments to customers are done every evening at 5 p.m. and are picked up by DHL and Fed Ex. Mr. Cortes added that the warehousing is being taken out of building four and shifted to building five so any increase of traffic will be offset by the loss of the property right next door. The warehouse is slightly larger by 10%, but the number of trucks that come into the facility are very few, not a shipping and delivery, more of an on-call delivery.

Chair Williams recalled that when he used to work in the area, he would walk during lunchtime in the bike pathway areas. He asked if the applicant is planning to build a sidewalk or will pedestrians have to keep on walking on the bike paths. Mr. Cortes said that the sidewalk that is being required as part of the conditions of approval is for the boulevard sidewalk and Linear has not committed to the overall onsite consolidation of the buildings and on site sidewalks that would link it all together but that is coming in the near future. The public sidewalk will be separated from Linear's by landscaping but there is no intention of asking the public to come onto the site.

Chair Williams said he is concerned about a potential public safety issue.

Mr. Cortes said they have extended the sidewalks improvements by respecting the bus stop that is at the corner on the intersection of sycamore and buckeye and Linear is creating a little development at the bus stop and extending the front door access from the lobby to the bus stop but are not asking the general public to come on the site.

Chair Williams opened the public hearing.

Don Peoples, 3444 Spring Creek Lane, said as an economic development member, the City should fill the vacant industrial buildings. Linear is a world-class company with a COO who is a graduate from Milpitas High and wants to make the building more efficient. He felt that putting in a six-foot sidewalk in the area would require the removal of trees and be unsafe because of the traffic volumes and would be very little use and felt the Commission should approve the project without the recommendation of the sidewalk.

Frank De Smidt, Chamber of Commerce, said that Linear is one of the finest businesses from the Chamber and received corporation of the year. He hopes the City can work with them on this issue of the sidewalk. He said that Ordinance No. 95 would be an issue with the City in the future because a lot of companies were built without sidewalks. He felt the ordinance should be more flexible so in the end, the City will not turn away businesses but will encourage them to stay here.

Close the public hearing

Motion to close the public hearing.

Azevedo/Mandal

Ayes: 6

Noes: 0

Mr. Cortes asked Mrs. Ishijima to clarify condition no. 8 which reads below:

8. *Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Sycamore and Buckeye Drives including but not limited to new 6-foot sidewalk installation, ADA approved ramp installation, removal and replacement of damaged curb, gutter and pavements, and adjusting of all affected utility boxes to grade. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. (E)*

Mr. Cortes said that staff addressed the sidewalk issue as needing to have a building permit and construction done before the issuance of the building permit and the staff report states that Linear needs to receive design approval and bond the construction. Linear's intent is to build the building as quick as they can and to be held hostage to a sidewalk that they already agreed to put in makes no sense. He requested that staff reword condition no. 8.

Mrs. Ishijima requested that staff revise condition no. 8 to the following:

8. *Prior to building permit issuance, the developer shall obtain design approval and bond for all necessary public improvements along Sycamore and Buckeye Drives including but not limited to new 6-foot sidewalk installation, ADA approved ramp installation, removal and replacement of damaged curb, gutter and pavements, and adjusting of all affected utility boxes to grade. Plans for all public improvements shall be prepared on Mylar (24"x36" sheets) with City Standard Title Block and submit a digital format of the Record Drawings (AutoCAD format is preferred) upon completion of improvements. The installation of the sidewalk improvements shall be completed prior to occupancy permit issuance. (E) (PC)*

Commissioner Mandal asked if Linear is increasing the number of employees and Mr. Cortes said yes.

Commissioner Azevedo asked if Linear needs to install the sidewalks and Mr. Williams said that it is policy from the City Council to have sidewalks.

Chair Williams said that being familiar with the area, other businesses are coming back to the area and are looking at the area of more of a revitalization of the area. There is a public safety problem and it is a challenge to walk in the bike paths in the street. He is looking at the big picture and looking at safeguarding others in the area.

Motion to approve Conditional Use Permit No. UP2006-15 and "S" Zone Amendment No. SA2006-27 with approval with staff's changes to the staff report, all of the special conditions based on the findings in the staff report and revised condition no. 8 that reads above.

Mandal/Azevedo

Ayes: 6

Noes: 0

**3. PROPOSED
REDEVELOPMENT
PLAN AMENDMENT**

Ms. Whitecar, Economic Development Manager, presented a request to approve the proposed redevelopment plan amendments and determine that the proposed amendments are consistent with the City General Plan. Ms. Whitecar recommended that the Commission approve Planning Commission Resolution No. 499 determining that the proposed redevelopment plan amendments are consistent with the City's General Plan and approve the proposed plan amendment.

Commissioner Azevedo asked if the Great Mall signs off the freeway are illegal. Ms. Whitecar said no because the signs were merged with the Project Area in 2001.

Commissioner Tabladillo asked how will the signs look like and will they have additional advertising. Ms. Whitecar noted that the signs would be coming to the commission for approval. Of the five signs, if the commission agrees, two are electronic signs, and those will have the flexibility to accommodate more businesses.

Commissioner Mandal pointed out that along I-880 from Milpitas to Oakland, there is a big sign next to the auto mall that is used for different businesses. He asked if staff is considering something like that. Ms. Whitecar said that the City's sign would be tall and will have a digital component, a newer sign than what Fremont has, to recognize the City of Milpitas.

Commissioner Mandal asked who would be involved and Ms. Whitecar said that is the aspect of the next item.

Commissioner Ciardella asked who will be controlling the reader boards and suggested that the City could add monument signs welcoming people to the City.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Close the public hearing

Motion to close the public hearing.

Azevedo/Ali-Santosa

Ayes: 6

Noes: 0

Motion to approve Planning Commission Resolution No. 499 determining that the proposed redevelopment plan amendments are consistent with the City's General Plan and approve the proposed plan amendments.

Azevedo/Mandal

Ayes: 6

Noes: 0

**4. SUPPLEMENTAL
ENVIRONMENTAL
IMPACT REPORT
(SEIR) FOR THE
PROPOSED MERGER
OF MILPITAS
REDEVELOPMENT
PROJECT AREA NO. 1
AND THE GREAT MALL
REDEVELOPMENT
PROJECT AREA
PUBLIC SCOPING
MEETING**

Ms. Whitecar, presented Supplemental Environmental Impact Report (SEIR) for the proposed merger of Milpitas Redevelopment Project Area No. 1 and the Great Mall Redevelopment Project Area Public Scoping meeting. She presented a request that the Planning Commission hold the scoping meeting and receive public comments, and requested that the Commission receive public testimony on the scope and content of the SEIR for the proposed redevelopment project area merger, including what environmental issues and concerns that should be considered in preparing the SEIR. She also pointed out that no decision is needed on the actual SEIR or proposed redevelopment project area merger at this time.

Chair Williams asked if the sign ordinance prohibits flashing signs. Mr. Williams said it is not an outright prohibition. There are certain findings that the City Council needs to make to approve reader and electronic board signs.

Chair Williams asked how would it effect the environment in regards to visual impacts. Mr. Williams said the City Council would have to look at what the impacts the signs would have on the surrounding areas in terms of the scope in which staff is pursuing the EIR which will address those issues in the scoping session.

Commissioner Mandal asked how would the public be notified about the potential freeway signs in their area. Ms. Whitecar said she will be putting ads in the paper and will mail out letters to the public.

Commissioner Tabladillo asked if staff had a particular location in mind in regards to the two neon signs. Ms. Whitecar said that she is not sure.

Commissioner Tabladillo said she is concerned about the potential impacts of I-680 because of the residents that live near the freeway. Chair Williams agreed with Commissioner Tabladillo.

Commissioner Azevedo said he is concerned about having one public meeting and suggested that staff have separate public meetings regarding the signs that would affect the surrounding residential areas.

Mr. Williams said that each individual sign would have to come back as an "S" Zone approval amendment and each individual sign would require a public hearing.

Assistant City Attorney Pio Roda confirmed that each sign would have to have a separate public hearing.

Chair Williams invited the applicant to speak. He also noted that this is not a public hearing.

Kai Giffin, 1st Street, San Jose, representing Auto Properties and Piercey Toyota, said Piercey's plans have expanded and are negotiating with the City and VTA for their sites to expand and have a large complex. Auto Properties is working with Clear Channel to have a marketing package for Piercey Toyota and recognize the City of Milpitas. The City will own the signs and will lease them to Auto Properties to maintain them and help with revenue. He said that Milpitas has an identification problem and they are working with the Airport to have a large display there to advertise the cars and the location of Milpitas. He said they are interested in the large digital electronic billboards because you can have more advertisers and put up current events. The company is not interested in putting the signs on I 680 and pointed out that the higher the signs the less impact on the residents.

Commissioner Azevedo said he supports the project however he is concerned about the impacts the signs might have on the residents and encouraged staff to have public meetings at each potential sign location so that residents can provide feedback.

Chair Williams said that the Council would have to make the decision of the electronic boards because the City has had a long-standing issue against billboards and against signs being over 25 feet. There was an impact to the residents when the Great Mall signs were brought on board. He said there are perceptions that still exist in the community so Council, through staff, is going to need to do an outreach. He said the presentation that staff provided will help the public see what it means particularly to give Milpitas recognition such as the airport display and the display at the Great Mall. This is going to be a long process and he is happy to see that the City is finally going to get recognition. He said it has to be done correctly and with a lot of input.

The meeting was adjourned at 8:56 p.m. to the next regular meeting of September 27, 2006.

**X.
ADJOURNMENT**

Respectfully Submitted,

Tom Williams
Planning and Neighborhood Services
Director

Veronica Bejines
Recording Secretary

FINDINGS AND RECOMMENDED SPECIAL CONDITIONS

“S’ ZONE APPROVAL NO. SZ2005-17

Sam and Hemla Rao Residence
802 Calaveras Ridge Drive(APN 029-06-029)

Planning Commission Recommended Approval: September 13, 2006

FINDINGS

CEQA

6. The project is Categorically Exempt from the requirements of the California Environmental Quality Act (CEQA) in that it meets the definition of Section 15303, Class 3 (a) exemption (“One single-family residence... in a residential zone.”).

General Plan

7. The proposed project is consistent with the Milpitas General Plan in that it is consistent with:
 - Guiding Principles 2.a-G-3 and 2.a-I-10, which provide for a variety of housing types and densities that meet the needs of individuals and families, as well as foster community pride and growth through beautification of existing and future development;
 - Implementation Policy 2.a-I-2 which promotes in-fill development in the incorporated city limits. The project is an infill project primarily surrounded by existing developed sites;
 - It does not conflict with any existing policies and allows the development of new housing uses within this portion of the City.

Zoning Ordinance

8. The proposed project, as conditioned, is consistent with the Milpitas Zoning Ordinance in that the proposed development conforms to the land use and development standards of the Single-Family Hillside (R1-H) Combining District and that the removal of protected trees will be replaced at a ratio where no adverse visual impact would result.

‘S’ Zone

9. As conditioned, the layout of the site, design of the proposed building, and landscaping would be compatible and aesthetically harmonious with adjacent and surrounding development. The proposed residence is located in an existing Single-Family Hillside (R1-H) zoning district and Planned Unit Development (PUD 23.5). Materials include stucco, foam trims and cornice elements, elevated entry, wrought iron patio fencing, and Eco Stone driveway. In addition, the proposed landscaping will enhance the Hillside zoning district.

Planned Unit Development

10. The proposed new residence is located in an existing Planned Unit Development (PUD 23.5) and is in conformance with the PUD development standards in terms of setbacks, height, and garage size.

SPECIAL CONDITIONS

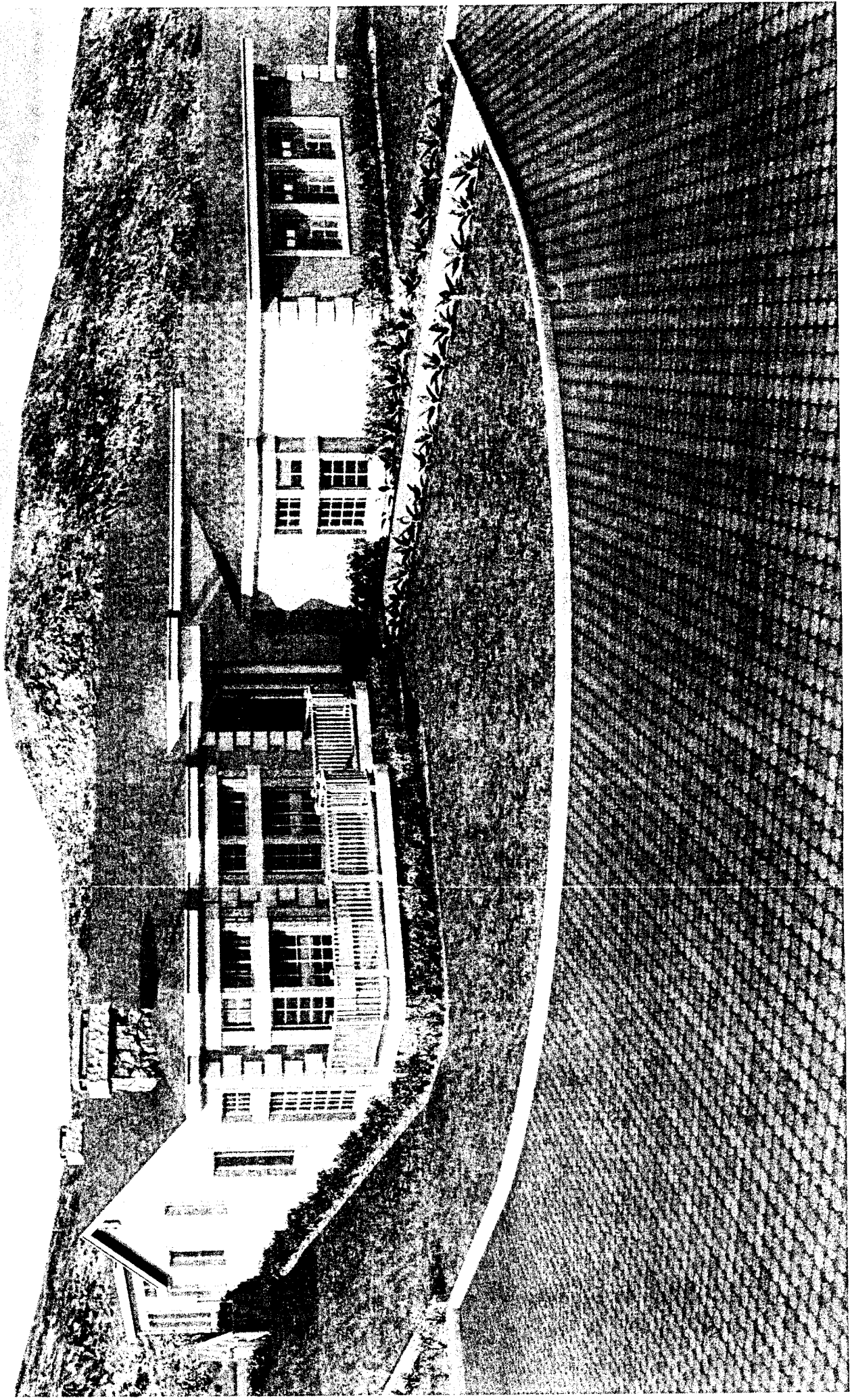
32. This approval is for the development of a 4,196 square foot single-family residence, removal of 2 protected trees, and grading, as shown on the approved plans, dated September 13, 2006, and as modified by these conditions of approval. Any modification to the project, as approved, will require an 'S' Zone Approval-Amendment, pursuant to Section 42.00 of the Milpitas Zoning Ordinance, and may require Planning Commission and City Council review. (P)
33. Prior to any tree removal, the applicant shall obtain a tree removal permit from the City Public Works Streets & Landscape Division (contact Carol Randisi, 408/586-2601). (P)
34. Prior to tree removal or issuance of grading permit, the applicant shall submit to the Planning Division a tree protection plan prepared by a certified Arborist, addressing protective measures for the existing groupings of trees to be retained on site. (P)
35. Prior to grading permit issuance, the applicant shall provide to City staff a biologic site assessment by a Biologist or Ecologist to determine the presence of burrowing owls on site. If the biologic assessment determines burrowing owls exist on-site, the site assessment recommendations shall be adhered to prior to onset of any grading activities. (P)
36. The proposed project shall be conducted in compliance with all applicable federal, state, and local regulations. (P)
37. If, at the time of submittal for any building permits, there is a project job account balance due to the City for recovery of review fees, review of permits will not be initiated until the balance is paid in full. (P)
38. If, at the time of building permit issuance, there is a project job account balance due to the City for recovery of review fees, permit issuance will not be initiated until the balance is paid in full. (P)
39. The building height shall not exceed 17-feet for the residence as measured from the lowest finished grade to the highest ridgeline of the building, per the City of Milpitas Hillside Ordinance. (P)
40. The applicant shall comply with the findings and recommendations prepared by Earth Systems Consultants Geologic and Seismic Hazard Evaluation, dated December 18, 1982, as well as the Soil and Foundation Investigation by American Soil Testing, dated November 3, 2005. To ensure compliance, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all the recommendations have been incorporated into the submitted building or grading plans prior to issuance of any building or grading permits. (P)
41. Prior to issuance of building final or certificate of occupancy, the applicant shall submit a letter from a licensed geotechnical engineer certifying that all recommendations noted in Condition No. 9 have been satisfied. (P)
42. The applicant shall submit an erosion control plan to the approval of the Planning Division. Erosion control measures shall be in place prior to the start of any work and maintained until the completion of construction. (P)
43. During all construction activities on-site, the project applicant/developer shall adhere to the following Best Management Practices as suggested by BAAQMD: (P)
 - h. Watering all active construction areas twice daily and more often during windy periods. Active areas adjacent to existing land uses shall be kept damp at all times, or shall be treated with non-toxic stabilizers or dust palliatives.
 - i. Cover all trucks hauling soil, sand, and other loose material or require all truck to maintain at least 2 feet freeboard level within their truck beds.
 - j. Pave, apply water three times daily or apply non-toxic soil stabilizers on all unpaved access roads, parking areas, and staging areas at the construction site. (P)

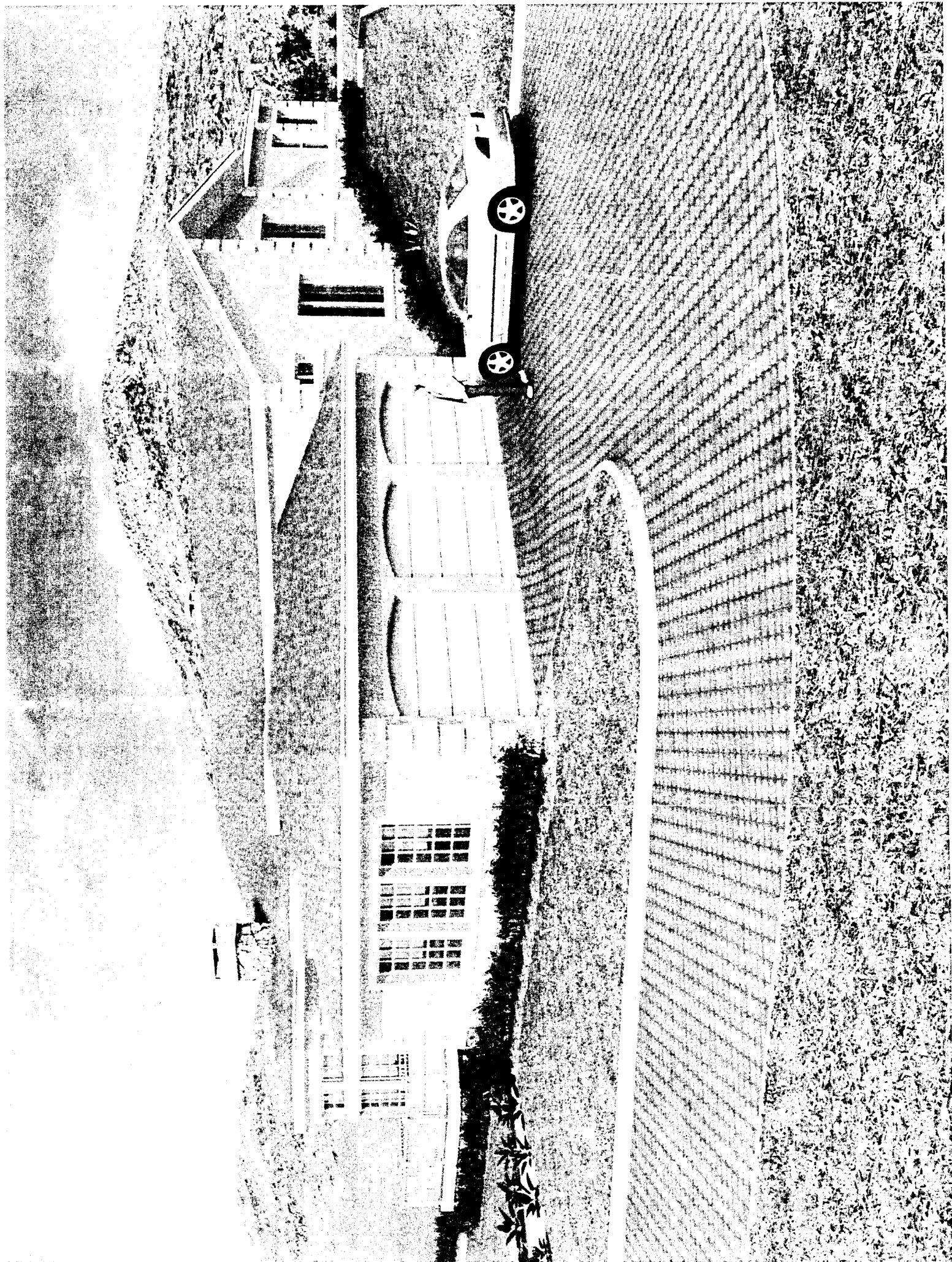
- k. Sweep daily (with water sweepers) all paved access roads, parking areas and staging areas at construction sites.
 - l. Sweep streets daily with water sweeper if visible soil material is carried onto adjacent public streets.
 - m. Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
 - n. Suspend excavation and grading (all earthmoving or other dust-producing activities during periods of high winds when watering cannot eliminate visible dust plumes or when winds exceed 25 mph (instantaneous gusts).
44. Prior to certificate of occupancy all landscaping shall be installed. (P)
45. The applicant shall record with the Santa Clara County Recorders office a hold harmless agreement with the deed for the property disclosing that the site is located within a landslide area, which may have higher than normal potential landslides. This agreement would hold harmless the City from future landslides resulting from development of a site within a landslide area. The City Attorney shall draft said agreement. (P)
46. The issuance of building permits to implement this land use development will be suspended if necessary to stay within (1) available water supplies, or (2) the safe or allocated capacity at the San Jose/Santa Clara Water Pollution Control Plant, and will remain suspended until water and sewage capacity are available. No vested right to the issuance of a Building Permit is acquired by the approval of this land development. The foregoing provisions are a material (demand/supply) condition to this approval. (E)
47. At the time of building permit plan check submittal the developer shall submit a grading plan and a drainage study prepared by a registered Civil Engineer. The drainage study shall analyze the existing and ultimate conditions and facilities. The study shall be reviewed and approved by the City Engineer and the developer shall satisfy the conclusions and recommendations of the approved drainage study prior to building permit issuance. (E)
48. Prior to building permit issuance, developer must pay all applicable development fees, including but not limited to, water, sewer, and storm drain connection fees, plan check and inspection deposit. (E)
49. Prior to building permit issuance developer shall satisfy the conclusions and recommendations of the *Soils Engineering and Geologic and Seismic Hazards Evaluation Reports* dated 1981-1982 and Soils and Foundation Investigation Report, dated 11/30/2005. (E)
50. All existing on-site public utilities shall be protected in place and if necessary relocated as approved by the City Engineer. No permanent structure is permitted within City easements and no trees or deep-rooted shrub are permitted within City utility easements, where the easement is located within landscape areas. (E)
51. The developer shall not obstruct the noted sight distance areas as indicated on the City standard drawing #405. Overall cumulative height of the grading, landscaping & signs as determined by sight distance shall not exceed 2 feet when measured from street elevation. (E)
52. The U.S. Environmental Protection Agency (EPA) has empowered the San Francisco Bay Regional Water Quality Control Board (RWQCB) to administer the National Pollution Elimination Discharge System (NPDES) permit. The NPDES permit requires all dischargers to eliminate as much as possible pollutants entering our receiving waters. Contact the RWQCB for questions regarding your specific requirements at (800) 794-2482. For general information, contact the City of Milpitas at (408) 586-3329. (E)
53. The design of this project shall include adequate Best Management Practices (BMPs) to eliminate pollutant from entering the offsite drainage systems. (E)

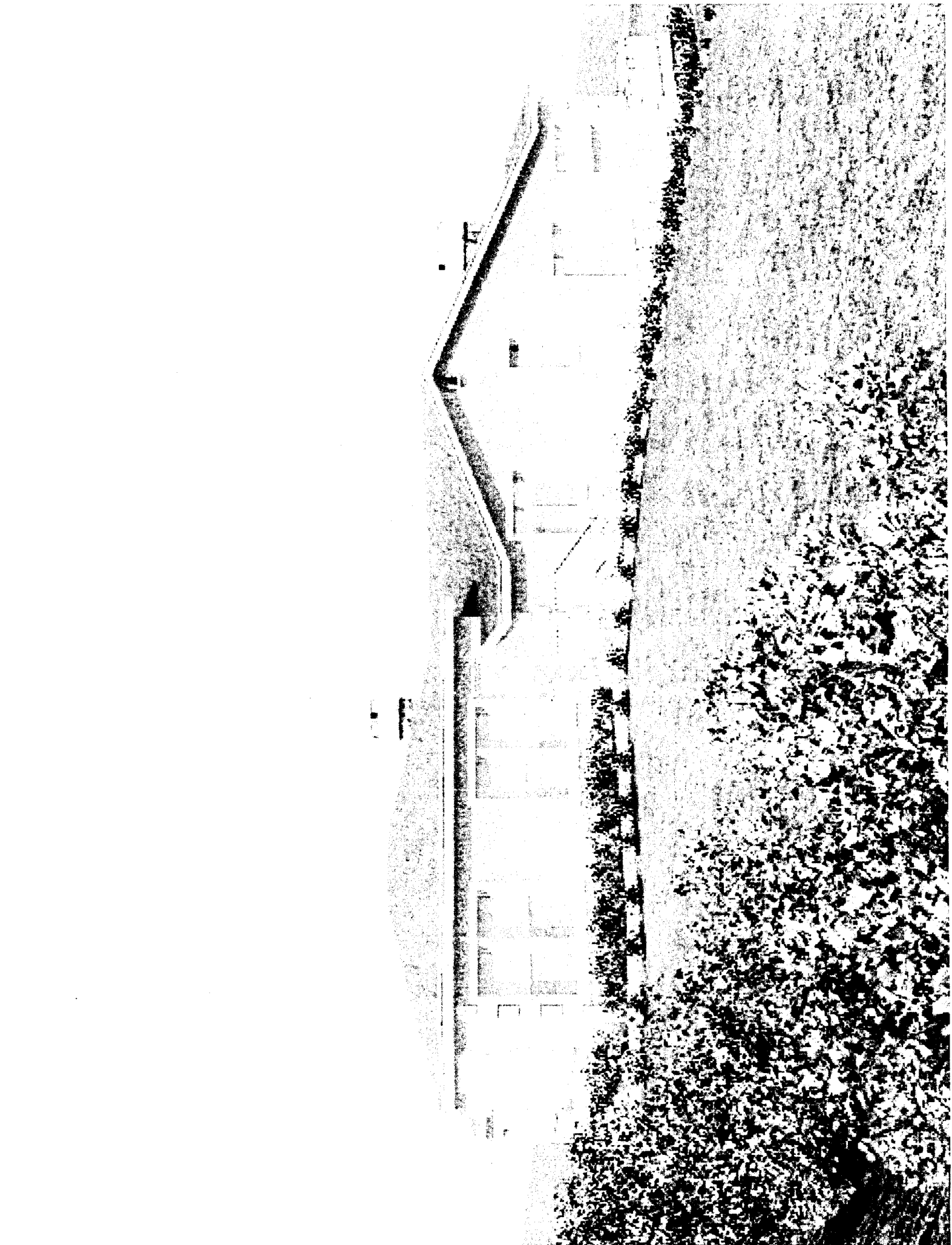
54. The developer shall submit the following items with the building permit application and pay the related fees prior to building permit issuance:
 - A. Storm water connection fee of **\$3594**, water connection fee of **\$1910**, sewer connection fee of **\$1908** and wastewater treatment plant fee of **\$880**.
 - B. Water Service Agreement(s) for water meter(s) and detector check(s).
 - C. Sewer Needs Questionnaire and/or Industrial Waste Questionnaire.Contact the Land Development Section of the Engineering Division at (408) 586-3329 to obtain the form(s). (E)
55. If the existing services (water, sewer and storm) are not adequately sized to serve this development, plans showing new services must be submitted and approved prior to building permit issuance. (E)
56. Prior to any work within public right of way or City easement, the developer shall obtain an encroachment permit from City of Milpitas Engineering Division. (E)
57. Apply applicable Guidelines for New Developments and Hillside Landscaping Water Conservation Policy (Resolution # 6066). (E)
58. Per Milpitas Municipal Code Chapter 2, Title X (Ord. No. 201), developer may be required to obtain a permit for removal of any existing tree(s). Contact the Street Landscaping Section at (408) 586-2601 to obtain the requirements and forms. (E)
59. The developer shall call Underground Service Alert (U.S.A.) at (800) 642-2444, 48 hrs prior to construction for location of utilities. (E)
60. At the time of building plan check submittal, the developer shall incorporate the changes shown on Engineering Services Exhibit "S"(dated 6/30/2006) in the design plans. (E)
61. It is the responsibility of the developer to obtain any necessary encroachment permits or approvals from affected agencies and private parties. Copies of these approvals or permits must be submitted to the City of Milpitas Engineering Division. (E)
62. The Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program shows this site to be in Flood Zone "D". (E)

(P) = Planning Division

(E) = Engineering Department









A PROPOSED RESIDENCE

THE RAO FAMILY

802 CALAVERAS RIDGE DRIVE MILPITAS, CA

INDEX

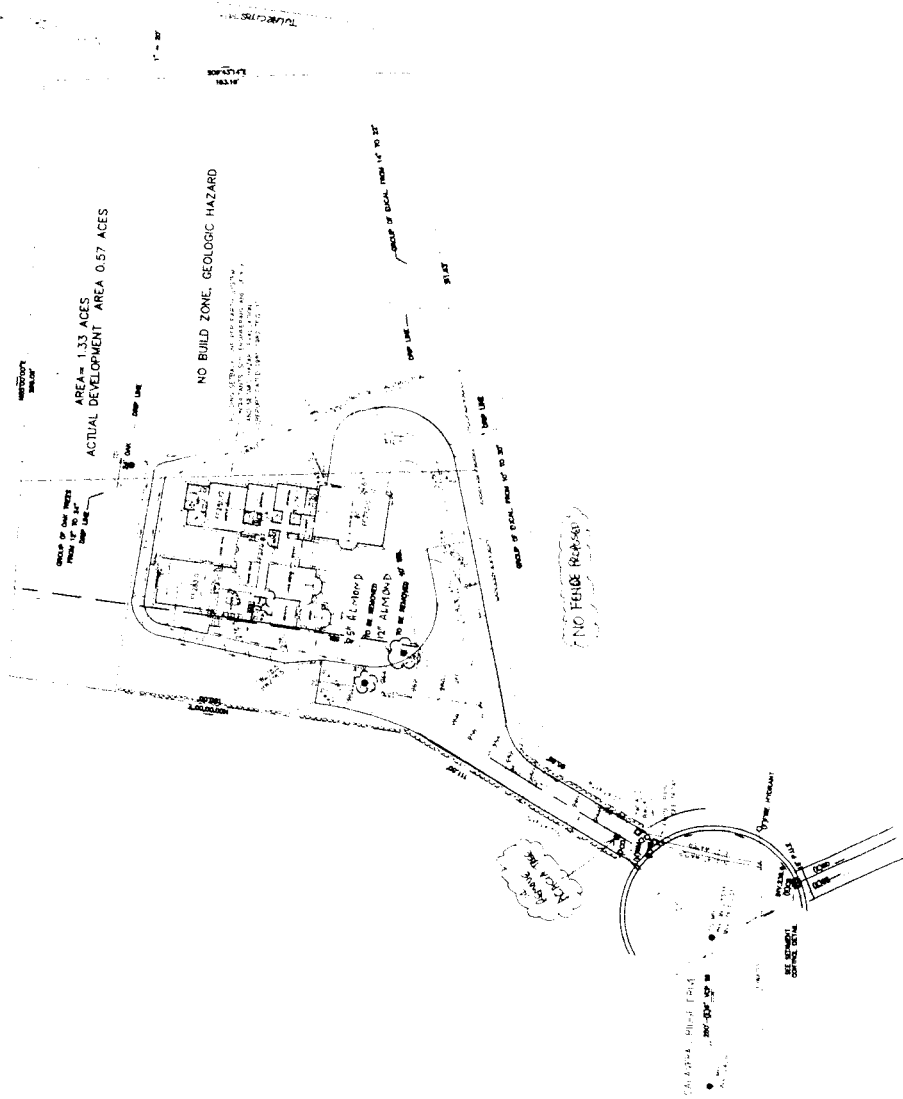
- AI COVER SHEET
- 01 SITE PLAN / GRADING PLAN
- 02 FLOOR PLAN
- 03 ELEVATION PLANS
- 04 ELEVATION PLANS
- 05 ROOF PLAN
- 06 SECTIONS
- 07 VIEW POINTS SECTIONS
- 08 ISOLUMEN PLAN
- 09 LANDSCAPE PLAN

OWNER'S 5AM & HEMLA RAO
ADDRESS 802 CALAVERAS RIDGE DRIVE
APN 024-06-024
ZONING RH
PLUD 235
GEN ZONE LAND USE HAD
LOT 50 FT - 57,935 SQ FT
NET LOT SIZE - 133 ACRES
LOT 50.00% - 17% (Balance 165.00% 25%)
RESIDENCE 50 FT - 3,411 SQ FT
GARAGE 50 FT - 785 SQ FT
TOTAL RES & GAR - 4,196 SQ FT
3-CAR GARAGE PROPOSED
INTERVIEWS COVERAGE PROPOSED - 574%
50 FT

RECEIVED
2005
PLANNING DIVISION

The Rain Discharge at 802 Calaveras Ridge Drive is a proposed
14.5 Sq Ft. Spot Level. The proposed 4.5 Bells and a
20.5 Sq Ft. 3-Car Garage. The house has an "L" shaped footprint
with a landscaped courtyard to the north of the main house. The house will
be built on a 1.5 acre lot, with a 17% slope. The house is
designed to sit on the slope, with minimal grading required to
achieve the design. The site has extensive existing screening from a
road of tall trees, which will allow the house to sit on the slope
and building shadows to fall on the driveway and to the right
of the lot. The house is set back 185 feet from the
road. The house will be situated on a lot with a 1.5 acre
topography.

THIS SHEET CONTAINS THE FOLLOWING:		DESIGNER 2185 ROSSWOOD DR SAN JOSE, CA 95124 DAVID PRUITT DESIGNER	DATE NOV 2005 JOB NO. RAO RESIDENCE DRAWN BY DAVID PRUITT DESIGNED BY DAVID PRUITT SCALE
COVER SHEET		DESIGNER 2	DATE NOV 2005 JOB NO. RAO RESIDENCE DRAWN BY DAVID PRUITT DESIGNED BY DAVID PRUITT SCALE
		408-626-9913	408-626-9914

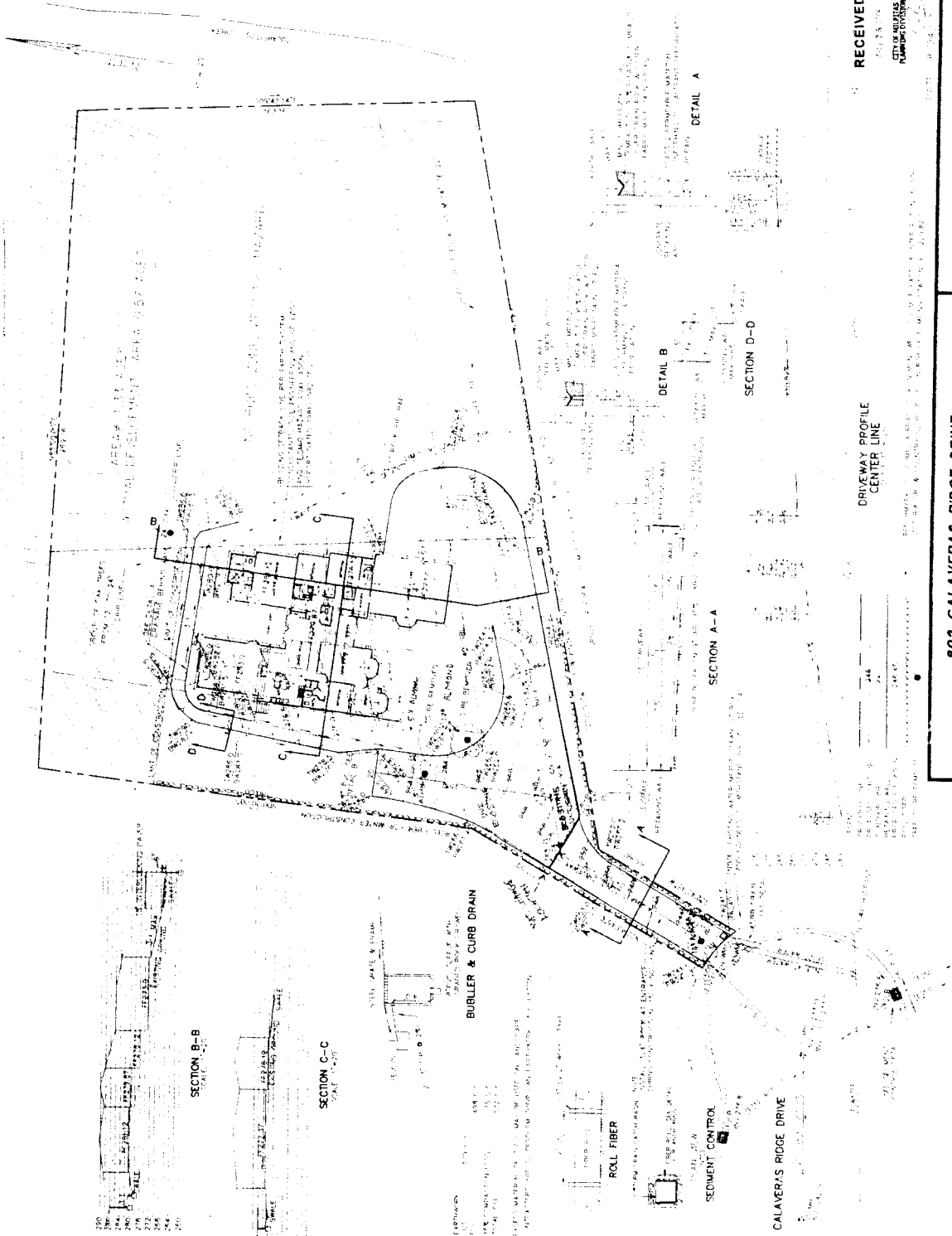


Imperial County Register
 Register # 13411
 Volume 288
 County of San Diego
 Block 316
 Parcel 122
 Total Impervious: 5746 sq. ft.

PAULINE TRUMBULL
 47761 DE FE, BOSTON, MA 02116
 LUCY HARRIS STREET

K W ENGINEERING, INC.
 CIVIL ENGINEERS • LAND SURVEYORS • PLANNERS
 516A VALLEY WAY
 MILPITAS, CA 95035
 TEL (408) 935-8948 FAX
RECEIVED
 AUG 13 2008
 CITY OF MILPITAS
 PLANNING DEPT

802 CALAVERAS RIDGE DRIVE
S I T E P L A N
 MILPITAS
 SHEET 11 OF

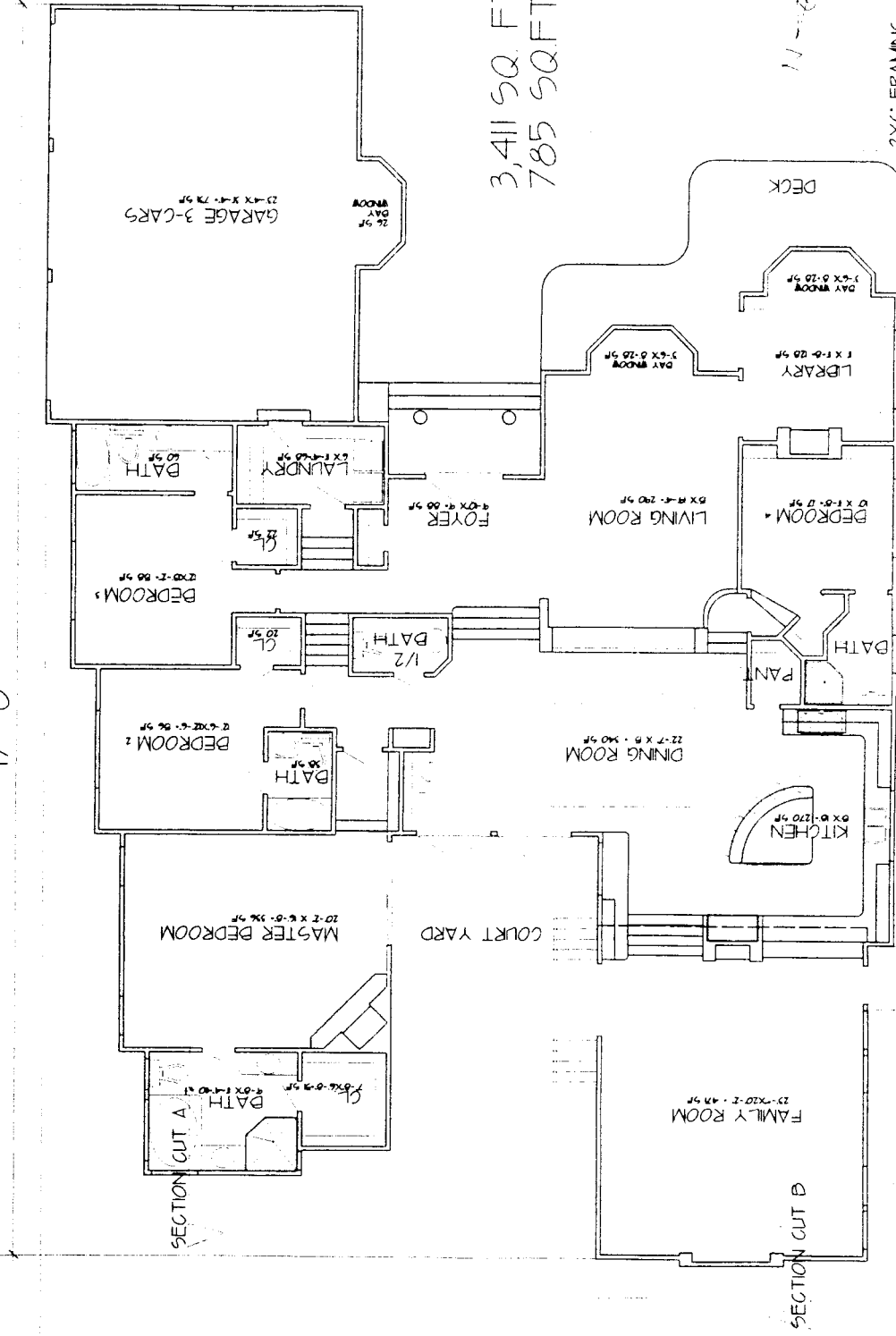
[illegible]

RECEIVED
CITY OF MILPITAS
PLANNING DIVISION
JUL 19 1976

802 CALAVERAS RIDGE DRIVE
GRADING & DRAINAGE PLAN
& EROSION CONTROL PLAN

97'-0"

65'-8"



3,411 SQ. FT. RES.
785 SQ. FT. GARAGE

2X6 FRAMING WINDOWS 2X6 FRAMING
2X4 FRAMING

RECESSED WINDOW
TYPICAL WALL DETAIL
EXTERIOR WALLS

THIS SHEET CONTAINS THE FOLLOWING:

FLOOR PLAN

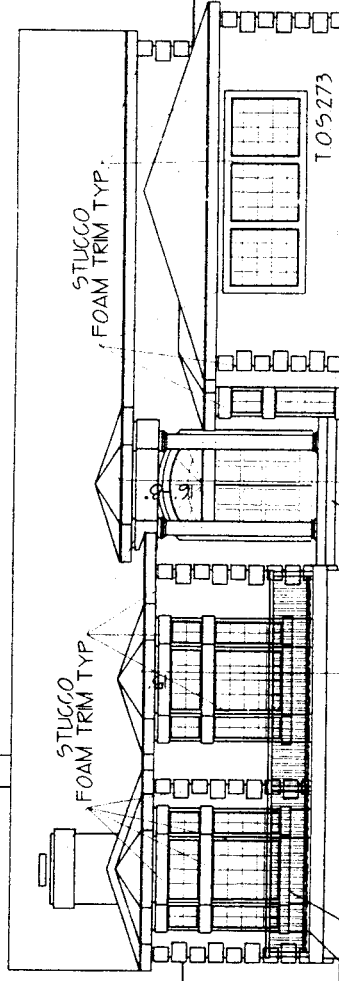
DESIGNER
2185 ROSSWOOD DR.
SAN JOSE, CA 95124
DAVID FRUITT
ARCHITECT

DesignR2
408-676-0013 FAX 408-676-0014

DATE:	22 March 2006	SHEET NO.:	A2
JOE NO.:	RAO NEW RES		
DRAWN BY:	DAVID FRUITT - DESIGNER		
CHECKED BY:	1/1/1/1/1/1		

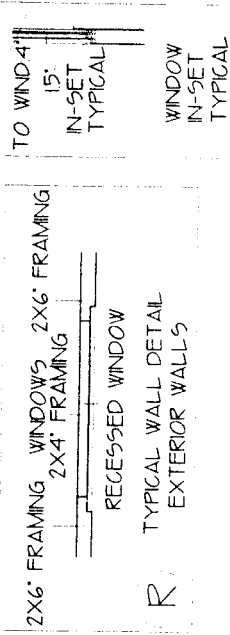
PRESIDENTIAL TL SHAKE DARK BROWN SKU# 35940 BY CERTANTEED
0/1/2' PLYCDX W/ 30# FELT TYP.

Behr Premium Plus Paints
BODY - (Succo) SONORAN SANDS ECC-43.1
TRIM - BRIDLE PATH ECC-43.2
ACCENT - CHAPARRAL ECC-43.3



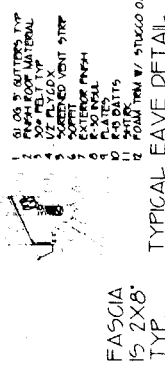
FRONT ELEVATION

268 NAT GD
266 NAT GD
274 FN GD
WI BALISTERS TYP WOOD RAILG TYP
DECKS W/ TILE O/ HOT MOP OR EQ WATER PROOFING TYP
CONC. STEPS TO GRADE O/ FILL TYP

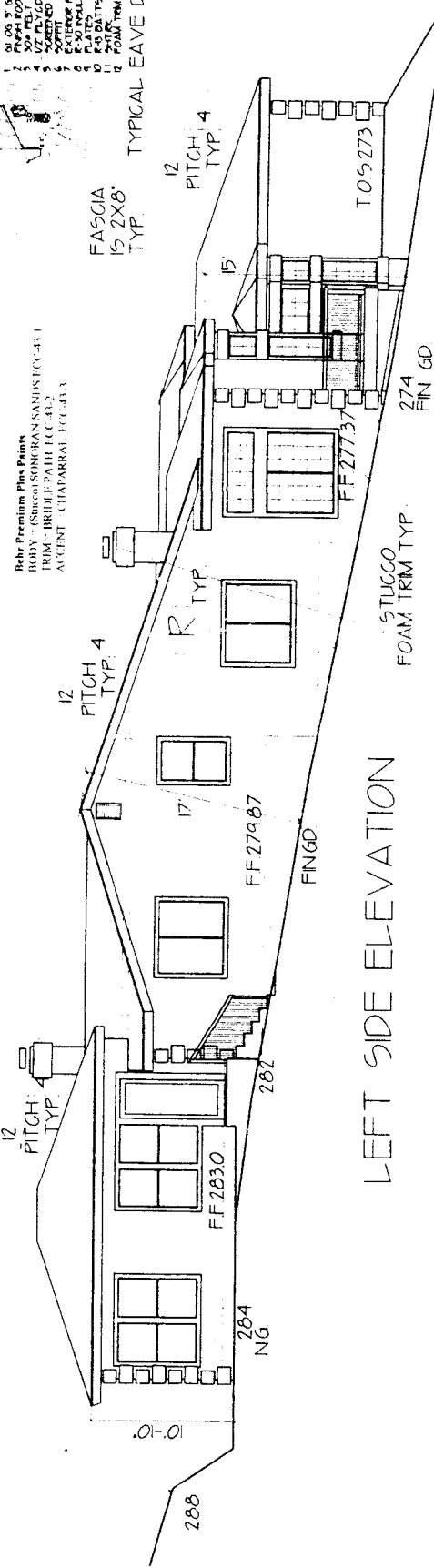


EXT STUCCO 3-PLY W/ COLOR COAT FINAL O/
MIN 2-PLY GLASS 'D' FELT 15# TYP / HEAVY WIRE
MESH @ SOFFITS TYP. TRM - FOAM TRM W/
STUCCO O/ FOAM EAVE TRM W/ STUCCO O/

ALL STUCCO TO HAVE STUCCO BASE
SCREENED TYP. PROVIDE SCREENED VENTS STRIP TYPE
@ FAVES



Behr Premium Plus Paints
BODY - (Succo) SONORAN SANDS ECC-43.1
TRIM - BRIDLE PATH ECC-43.2
ACCENT - CHAPARRAL ECC-43.3



LEFT SIDE ELEVATION

THIS SHEET CONTAINS THE FOLLOWING:

EXTERIOR ELEVATIONS

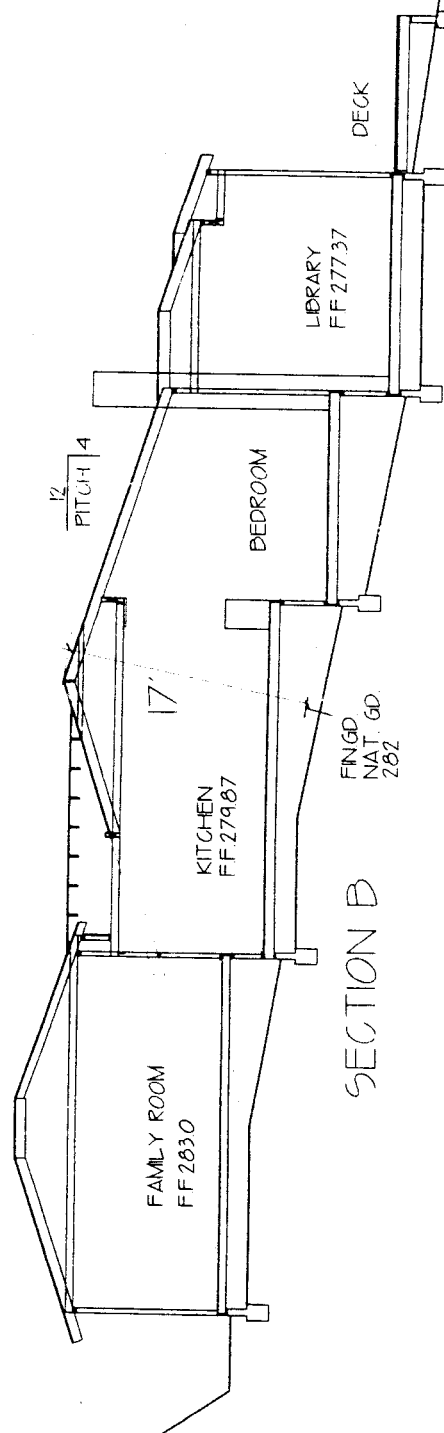
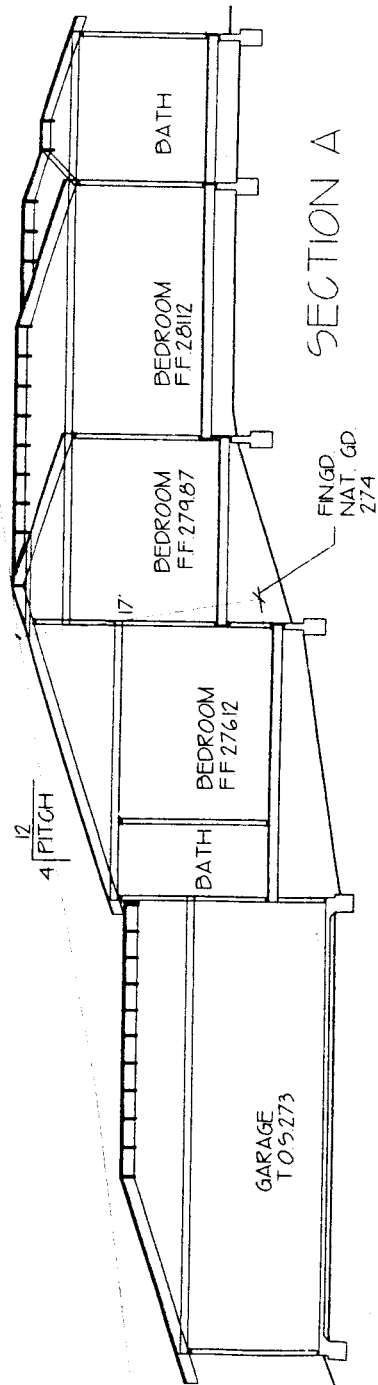
DESIGNER
2185 ROSSWOOD DR.
SAN JOSE, CA 95124
DAVID FRUITT
DESIGNER

Design R2
408-626-9913 FAX 408-626-9914

DATE: 6 FEB 2006
JOB NO: RAO NEW RES
DRAWN BY: DAVID FRUITT - DESIGNER
CHECKED BY: 1/1/2006

SHEET NO: A3

DATE:	6 FEB 2006	SHEET NO.:	A-4
JOB NO.	RAO NEW RES.		
DRAWN BY:	DAVID PRUITT - DESIGNER		
CHECKED BY:			



THIS SHEET CONTAINS THE FOLLOWING:

SECTION CUTS

DESIGNR2
2185 ROSSWOOD DR.
SAN JOSE, CA 95124
DAVID PRUITT

DesignR2

DATE:	6 FEB 2006	9 FEET NID
JOB NO.	RAO NEW RES	A6
DRAWN BY:	DAVID PRUITT - DESIGNER	
CHECKED BY:		

